

## REMARKS

Claims 1-11, 13-22, 24-27, and 29-42 stand pending in the present application.

5        Claims 1, 2, 5, 8-11, 13-17, 19-20, 22, 24-27, and 29-41 stand rejected under 35 USC  
Section 103 as allegedly obvious in light of Gandy and Meyers.

Claims 3-4, 18, and 21 stand rejected under 35 USC Section 103 as allegedly obvious in  
light of Gandy and Meyers, as applied above, and further in light of Carreria.

10        Claims 6-7 stand rejected under 35 USC Section 103 as allegedly obvious in light of  
Gandy and Meyers, as applied above, and further in light of Woo.

Claim 42 stands rejected under 35 USC Section 103 as allegedly obvious in light of  
Gandy and Meyers, as applied above, and further in light of Ort.

15        Applicants note that in each and every outstanding rejection the Examiner relies on an  
identical combination of Gandy and Meyers as base and secondary references. A failure under  
35 USC Section 103 relative to the basic combination of Gandy and Meyers results in a failure of  
all outstanding rejections. Applicants provide a number of independent grounds for traversal of  
20        a combination of Gandy and Meyers as discussed below.

The Examiner proposes as obvious incorporation of the heating elements of Meyers onto  
the carriages of Gandy. Applicants respectfully traverse the Examiner's obviousness rejections  
based on the stated combination of Gandy and Meyers.

25        Applicants respectfully disagree with the Examiner's characterization of the teachings of  
Meyers.

Applicants respectfully submit that all outstanding rejections must be withdrawn for failing to accurately characterize the Meyers reference, a key reference in each and every outstanding rejection.

5 Applicants are entitled to a clear statement of rejection and the Examiner is obligated to accurately characterize each reference. All outstanding rejections as presented in the outstanding Office Action rely on a mischaracterization of Meyers. Meyers simply does not show a carriage mounted bi-furcated heating element.

10 Because the Examiner relies on a combination of Gandy and Meyers in each and every outstanding rejection, all outstanding rejections must be withdrawn for lack of proper characterization of Meyers in presenting the Examiner's proposed combination under 35 USC Section 103.

15 Accordingly, applicants respectfully request that the Examiner either withdraw all outstanding rejections based on a combination of Gandy and Meyers as stated in the most recent Office Action, or restate such rejections with an accurate characterization of the disclosure of Meyers.

20 As a second independent basis for traversal, applicants respectfully submit that Gandy and Meyers cannot be properly combined under 35 USC Section 103. More particularly, incorporating the dryer of Meyers onto the carriage of Gandy would frustrate or make inoperative the drying objective as taught by Meyers.

25 Meyers teaches drying according to application of heated air at certain pressure and velocities relative to media moving in relation thereto. Mounting the dryer as taught by Meyers upon a moving device, i.e., the carriage of Gandy, would require major redesign and likely undesirable or failed operation of the dryer. A carriage-mounted dryer as taught by Meyers would suffer undesirable airflow resulting from carriage movement. In other words, as the dryer

elements moved with the carriages undesirable airflow would enter and exit along the media surface. Such intervening incoming and exiting airflow would upset the balance and control of airflow required to meet the drying objective of Meyers, i.e., the “two stage” drying process would be at least frustrated and quite possibly inoperative all together.

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Applicants respectfully submit that such a moving, i.e. carriage-mounted, form of dryer as taught by Meyers could not accomplish the drying objective of Meyers, i.e., could not perform the “two stage” drying process due to uncontrollable airflow.

10           Accordingly, for this second independent basis for traversal applicants respectfully submit that all outstanding rejections, each of which include a combination of Gandy and Meyer, must be withdrawn because the resulting combination would frustrate or make inoperative the drying objective as taught by Meyers.

15           As a third independent basis for traversal, applicants respectfully submit that even if combined, the resulting combination of Gandy and Meyers would lack all claim elements and thereby fail as a proper 35 USC Section 103 combination.

20           Assuming, for purposes of argument, that Gandy and Meyers could be properly combined under 35 USC Section 103, such combination would not include carriage-mounted bi-furcated heating elements.

25           A proper combination of Gandy and Meyers would result in application of media printed by the device of Gandy being applied downstream to a stationary and separate dryer as taught by Meyers.

Applicants do not claim such arrangement and a combination of Gandy and Meyers cannot support rejection of applicants’ claims under 35 USC Section 103.

Thus, a proper combination Gandy and Meyers, even if allowed under 35 USC Section 103, fails to include all claim elements and, therefore, fails as a proper basis for rejection under 35 USC Section 103.

5 Again, because all outstanding rejections rely on a combination of Gandy and Meyers, all outstanding rejections fail under 35 USC Section 103 for lack of all claim elements.

Meyers does not show a carriage-mounted dryer as improperly alleged by the Examiner. The dryer shown by Meyers is separate, i.e., downstream, from an associated printing device.

10 The text of the Meyers disclosure, as taken from the USPTO database, mentions the word “carriage” twice. In the background section, at col. 1 lines 30-34, Meyers mentions the Ort reference as including an air dryer mounted on a carriage. At col. 6, lines 40-44, Meyers notes that “Each step or drying zone can be one indexed swath wide and provide relatively uniform  
15 drying over a swath during the inkjet printer carriage scan time.” Here Meyers coordinates drying zones within the dryer with indexed movement of media as output from a printer, i.e., as the dryer receives media downstream from the printer output.

20 Nowhere does Meyers teach, suggest, or indicate motivation for the subject dryer as taught by Meyers being mounted upon a printhead carriage.

Meyers does not show a bi-furcated dryer. The dryer shown by Meyers appears to be a box-form device with media inlet and outlet. Meyers provides no teaching or suggestion of and lacks any motivation for construction in bi-furcated form.

25 Thus, Meyers teaches nothing more than a separate and stationary dryer receiving media output from a separate printing device. FIG. 3 of Meyers is a cross-sectional view having by cross-sectional view only separate upper and lower sections. In fact, applicants presume that

structural elements necessarily directly couple the upper and lower sections appearing in FIG. 3 of Meyers and presumably define some form of slotted media inlet and media outlet.

Applicants respectfully request that the Examiner identify text of the Meyers disclosure  
5 teaching or suggesting bi-furcated dryer structure.

Applicants respectfully request that the Examiner identify text of the Meyers disclosure teaching or suggesting carriage-mounting of the dryer.

10 Thus, the Examiner has failed to accurately characterize the disclosure of Meyers and has based an obviousness rejection on such mischaracterization.

As a fourth independent basis for traversal, applicants respectfully submit that the Examiner's stated motivation to combine the dryer of Meyers with the printer of Gandy is  
15 improper because such would result no improvement and therefor not be worth the substantial cost and likely inoperability of the resulting combination.

More particularly, the Examiner cites as motivation for the skilled artisan the language at column 2 lines 16-22 of the Meyers disclosure. The Examiner alleges that the skilled artisan  
20 would be motivated to incorporate the heating elements of Meyers onto he carriages of Gandy "to gain the benefit of actively drying the media in rapid continuous manner so that no subsequent drying period id needed."

The dryer taught by Meyers already performs such task, i.e., rapid active drying with no  
25 subsequent drying period needed. The Meyers dryer accepts media from the printer at the speed of printer output and performs active drying in real time relative to printer throughput. Incorporating the stationary and separate dryer of Meyers onto the moving carriage of Gandy would require substantial redesign of both the printer and the dryer with no benefit, i.e., no

improvement in throughput, because the Meyers dryer already operates at the speed of the printer.

Applicants respectfully ask why a skilled artisan would, when seeking to actively dry media with no subsequent drying period as stated by the Examiner, completely redesign the printer and dryer at substantial cost and potential frustration and/or inoperability. The Meyers dryer can be applied directly to the output of the Gandy printer as proposed by Meyers and perform well task of active drying at the speed of printer throughput.

Applicants respectfully submit that the teachings of Gandy and Meyers provide no motivation for such substantial re-engineering when no gain in throughput is achieved. In other words, Meyers provides a solution to drying at printer throughput speed and one does not gain in this aspect of operation by moving the dryer onto the carriage.

Accordingly, the Examiner's proposed combination of Gandy and Meyers lacks a teaching, suggestion, or motivation to place the dryer of Meyers on the carriage of Gandy.

In conclusion, the Examiner must present a *prima facie* case of obviousness. As stated in the MPEP 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure.

The Examiner has failed to show proper suggestion or motivation for the proposed combination of Gandy and Meyers, has failed to show a reasonable likelihood of successful operation of the proposed combination of Gandy and Meyers, and has failed to show the claim limitations in the proposed combination of Gandy and Meyers.

Accordingly the Examiner has failed to meet the burden of presenting a prima facie case of obviousness as required as applicants are entitled to under 35 USC Section 103.

Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections and formally allow the present application.

Respectfully submitted

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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the US Postal Service as First Class Mail, in an envelope addressed to: MS AF Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450, on the date indicated below.

Date

9-26-03

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